IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

INCOME TAX APPEAL NO. 1388 OF 2000

The Commissioner of Income-tax,
Nashik. Appellant

vs.

Shri Sanjay Kisanrao Khopde Respondent

Mr. B. M. Chatterjee with Ms.S.V. Bharucha i/b.
Mr.R.N. Bandopadhyay for the appellant.

Ms. A. Khan i/b. Ms. Jyoti Dailani for the
respondent.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ

DATED : 19th August 2004

P.C.

On 5th August 2004 we passed the following order:

" This appeal is directed against the order dated dated 18.2.1999 passed by the Income Tax Appellate Tribunal, Pune Bench, Pune in I.T.(SS) A.No.277/PN/97. It transpires therefrom that two members of the Bench deciding the appeal were not unanimous. Obviously, the issue on which both the members were not unanimous ought to have been referred to the third member but the said order is not placed on record. Earlier an opportunity was granted to the counsel for the appellant for placing on record the order passed by the third member of the Tribunal. That has not been done and further time was sought for by the learned counsel for the revenue.

2. By way of last chance, we grant further time of two weeks to the appellant for placing on record the order passed by the third member of the Tribunal failing which the appeal shall stand dismissed automatically without reference to court. Order accordingly."

2. The learned counsel for the revenue submits that the said order has not been complied with.

3. Appeal stands dismissed for want of compliance.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)